



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Labor and Public Employment
and
House Committee on Lower and Higher Education
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By
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HB 414 – RELATING TO PROCUREMENT FOR THE UNIVERSITY OF HAWAII

Chairs Johanson and Woodson, Vice Chairs Eli, Perruso and Hashem, and members of the committees:

Thank you for the opportunity to submit testimony in support of HB 414, which amends section 6 of Act 42, Session Laws of Hawaii (SLH) 2018, to remove the sunset provision and permanently reinstate the President of the University of Hawai'i (President) as the chief procurement officer for contracts for construction and construction-related professional services.

In 2018, Act 42, SLH 2018, was signed into law that, among other things, amended Hawai'i Revised Statutes (HRS) §§103D-203 and 304A-2672 to reinstate the authority of the President as the Chief Procurement Officer for construction-related procurements but provided a sunset date of June 30, 2021 for the repeal of the act and reenactment of HRS §§103D-203 and 304A-2672 as amended in 2013 by Act 87, SLH 2013 (HB 114).

Prior to 2013, the President had been afforded the duties, powers and authority of a chief procurement officer – similar to the Administrative Director of the Courts for the Judiciary, President of the Senate, Speaker of the House of Representatives, Chairperson of the Board of the Office of Hawaiian Affairs, Superintendent of the Department of Education, CEO of Hawai'i Health Systems Corporation, the Administrator of the State Procurement Office, the respective finance directors of the counties, the respective chairpersons of the councils of the counties, the managers and chief engineers of the respective county boards of department water supply, and director of the semi-autonomous public transit agency.

In 2013, however, the Legislature amended state law to effectuate the Administrator of the State Procurement Office (SPO), rather than the President, to serve as the Chief Procurement Officer for construction-related procurements of the University.

In 2016, the SPO Administrator reported to the Legislature that, based on an audit of transactions between 2013 and 2015, the "UH is conducting construction procurements in a compliant, efficient, and transparent manner." Given this finding and the additional improvements that the University has made specifically to the management and solicitation of its construction projects, the University believes full chief procurement officer authority should be permanently restored to the President. This is particularly important at a time when the University is expected to aggressively address its deferred maintenance backlog. With the additional safeguards and imposition of industry best practices, we believe the University has demonstrated that it can and will continue to conduct its construction procurements in a compliant, efficient, and transparent manner.

Thank you for the opportunity to testify in strong support of HB 414.